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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,485	08/19/2003	Joel Caron	2667-1A	6001

7590 09/24/2004

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CANADA

EXAMINER

BAXTER, GWENDOLYN WRENN

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/643,485

Applicant(s)

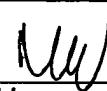
CARON, JOEL

Examiner

Gwendolyn Baxter

Art Unit

3632



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

Art Unit: 3632

This is the first office action for application serial number 10/643,485, Hanger Support, filed August 19, 2003.

***Claim Rejections - 35 USC § 112***

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, line 4, "an upper portion of said frame" should read -the upper portion of said frame-, since antecedence is found at line 3 of this claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,078,729 to Hill. The present invention reads on Hill as follows: Hill teaches a hanger support assembly comprises a frame (13, 14, 21-24), support arm (11) and mounting bracket (10). The frame has a hanger retaining means (13, 14). The support arm pivotally secured to the frame. The mounting bracket is for mounting the support arm to a substrate. The mounting bracket is pivotally connected to the support arm such that the support arm may move between first and second positions. The hanger retaining members comprises a plurality

Art Unit: 3632

of hanger retaining members (14) mounted on an upper portion and a lower portion of the frame. See figure 4.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 314,371 to Fitch. The present invention reads on Fitch as follows: Fitch teaches a hanger support assembly comprises a frame (e,C), support arm (B) and mounting bracket (A). The frame has a hanger retaining means (C). The support arm pivotally secured to the frame. The mounting bracket is for mounting the support arm to a substrate. The mounting bracket is pivotally connected to the support arm such that the support arm may move between first and second positions. Additionally, Fitch teaches means for retaining the support arm in each of the first and second positions (c, c).

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,273,280 B1 to Markarian. Markarian teaches a frame having a body (10-12) with apertures (defined between 10, 11) extending there through. A plurality of hanger retaining members (14) mounted on an upper portion (11 of the top horizontal member) and a lower portion (11 of the bottom horizontal member) of the frame. A plurality of guide members (12) is on the upper portion of the frame. Each of the guide members is designed to fit over a clothesline and be retained thereby.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 3632

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill in view of U.S. Patent No. 5,15,981 to Gregory et al. Hill teaches the limitations of the base claim, excluding the hanger retaining members comprises resilient C-shaped clips.

Gregory teaches the hanger retaining members comprising resilient C-shaped clips. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the hanger retaining members as taught by Hill to have incorporated the resilient C-shaped clips as taught by Gregory, as a mere substitution of functionally equivalent parts for the purpose of hanging hangers thereupon.

*Allowable Subject Matter*

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach a plurality of guide members extending upwardly therefrom and the guide members being designed to engage a clothesline.

Art Unit: 3632

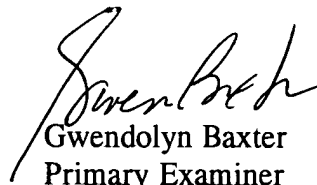
*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thomas 1,089,882; Flath 1,751,691; Whittaker 5,107,996; and JP2000-5489 teaches a hanger support assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 703-308-0702. The examiner can normally be reached on Monday-Wednesday, 8:00am -5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gwendolyn Baxter  
Primary Examiner  
Art Unit 3632

September 18, 2004